

AFTER ACTION REPORT

REGULAR CITY COMMISSION MEETING TUESDAY, SEPTEMBER 20, 2010 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**



AGENDA

1. **CALL TO ORDER – 6:30 p.m.**
2. **ROLL CALL - CITY CLERK**
3. **SILENT INVOCATION AND PLEDGE TO THE FLAG:**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Minutes:**

Regular City Commission Meeting – September 7, 2010.

Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of September 7, 2010 as presented.
 - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Presentation by Jeff Larson regarding an update of the City of Deltona's Credit Rating.**
6. **PUBLIC FORUM – Citizen comments for items not on the agenda.
(4 minute maximum length)**

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

The Commission voted unanimously to approve Consent Items 7-A through 7-E.

*** A. Request for Renewal of 2010-2011 Facility Use Agreement for First Pentecostal Church of God in Christ.**

The First Pentecostal Church of God in Christ has maintained a Long Term Facility Use Agreement with the City of Deltona since 2004.

Church services are held on Sundays from 8:30 to 10:30 a.m. in the conference room located at the Harris M. Saxon Community Center. The organization shall be responsible for paying a Category IV Facility Use Fee rate of \$25.00 per hour, less the 20% discount awarded for entering into a long-term lease agreement with the City.

The First Pentecostal Church of God in Christ has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year Long Term Facility Use Agreement with an option to renew for three (3) additional one-year terms, subject to the receipt and acceptance of a timely Facility Use Renewal Form.

Approved by Consent Agenda – to approve the Long Term Facility Use Agreement with the First Pentecostal Church of God in Christ at a rate of \$20.00 per hour for use of the Harris M. Saxon Community Center conference room for a period of one year, effective September 20, 2010, with the option for a total of three one-year renewals upon written agreement of both parties.

*** B. Request for Approval to Award of Bid #10025, Nuisance Abatements - Enforcement Services Department.**

The City previously bid Nuisance Abatements and made an award to FCG, Inc. After completing some of the work, they decided that they no longer wanted to provide this service to the City. The next low bidder was contacted and was no longer interested in providing this service, therefore, additional bids were requested.

The services required are for abatement work to include clearing properties of trash and debris, on an as needed basis, as a yearly contract. These services are performed at specific vacant, abandoned or occupied properties, as designated by the City Code of Ordinances. Code of Ordinances states that if the property owner does not remove the condition(s), the City shall have the condition(s) corrected at the owner's expense.

Ten bids were received. The overall two low bidders were McQueen's Complete Lawn Service and S&M Landscaping Enterprises, Inc.

Approved by Consent Agenda – to approve award to McQueen's Complete Lawn Services and S&M Landscape Enterprises, Inc. for an initial period from October 1, 2010 through September 30, 2011 and renewed annually in accordance with the bid and Commission appropriation of funding for these services.

*** C. Request for Waiver of Fees - SE10-011 - Trinity Christian Homecoming Parade.**

The City has received a request from William Henderson, Elementary Principal, Trinity Christian Academy, for waiver of the applicable costs (Fire Department, Sheriff Department and Public Works) associated with the homecoming parade scheduled for Saturday, October 2, 2010.

The costs associated with the request for waiver of associated fees and in-kind services from the Fire and Sheriff Departments include the following:

*Permit Fee - \$
Parks & Recreation - \$-0-
Fire/Rescue - no costs submitted
Sheriff's Dept. - \$480.00
Public Works - \$420.00
Total - \$900.00*

Approved by Consent Agenda – that in accordance with Commission Policy #CC99-005, that the Commission grant the request by William Henderson on behalf of Trinity Christian Academy, to waive the applicable fees and costs for the Trinity Homecoming Parade scheduled for October 2, 2010.

*** D. Request for approval to execute an Interlocal Agreement with Volusia County for the Construction and Maintenance of the 11th Avenue two-lane roadway.**

This Interlocal Agreement provides for the City to construct a paved two-lane roadway with stormwater and drainage facilities from SR415 eastward to the site

of the proposed Eastern Wastewater Treatment Facility. This roadway will provide the ingress and egress to the project site during construction and afterwards, will serve as the primary roadway into the facility. The City has designed and is permitting this roadway at the present time and would intend to begin construction in 2011. The agreement also provides that the completed roadway will be the responsibility of the City for future maintenance.

Approved by Consent Agenda – to approve and execute the Interlocal Agreement with Volusia County for the construction and maintenance of the 11th Avenue Roadway.

***E. Request for approval and Execution of Conservation Easement necessary for the Construction of the Easter Wastewater Treatment Facility Roadway.**

The entrance roadway to the Eastern Wastewater Treatment Facility will cross a wetland area and an intermittent stream in order to provide access to the site. Public Works with the assistance of it's consultants have been in the process of permitting this crossing through the Florida Department of Environmental Protection (Department). As part of this process the Department requires mitigation to be provided for the rights to cross these areas. After several months of negotiations, the Department has accepted on-site conservation of certain wetland and transitional areas as the mitigation for the project. The deed of conservation easement is the final step in the permitting processes and upon it's execution, recordation, and transmittal to the Department, the permit for the roadway construction activities will be issued to the City.

Approved by Consent Agenda – to approve and execute the Deed of Conservation Easement to the State of Florida Department of Environmental Protection.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2010-32, Adopting the Final Millage Rate for FY 2010/2011.

State law requires that the City hold a public hearing to adopt the final millage rate and budget.

At this hearing, the City will:

- First discuss the percentage increase or decrease in millage over the rolled-back rate. The millage rate reflects no increase from the rolled-back rate.*
- Adopt the millage rate and budget by separate votes with the millage adopted first. The millage rate adopted cannot exceed the millage rate tentatively adopted.*

- *Prior to adopting the millage-levy resolution, the name of the taxing authority (City of Deltona, Florida), the rolled-back rate (6.9388), the percentage decrease (7.1%), and the millage rate to be levied (6.4464) must be publicly announced.*

After Discussion, the Commission voted 4 to 2 (Commissioner Denizac and Commissioner Zischkau voted against the motion) to approve Resolution No. 2010-32, adopting the final millage rate of 6.4464 mils for the levy of ad valorem taxes for fiscal year 2010/2011.

B. Public Hearing - Resolution No. 2010-33, Adopting the Final Annual Budget for FY 2010/2011.

State law requires that the City hold a public hearing to adopt the final millage rate and budget.

At this hearing, the City will:

- *First discuss the percentage increase or decrease in millage over the rolled-back rate. The millage rate reflects no increase from the rolled-back rate.*
- *Adopt the millage rate and budget by separate votes with the millage adopted first. The millage rate adopted cannot exceed the millage rate tentatively adopted.*
- *Prior to adopting the millage-levy resolution, the name of the taxing authority (City of Deltona, Florida), the rolled-back rate (6.9388), the percentage decrease (7.1%), and the millage rate to be levied (6.4464) must be publicly announced.*

After Discussion, the Commission voted 4 to 2 (Commissioner Denizac and Commissioner Zischkau voted against the motion) to approve Resolution No. 2010-33, adopting the final annual budget for fiscal year 2010/2011.

C. Public Hearing - Ordinance No. 09-2010, Establishing a six-month moratorium on internet cafes, at second and final reading.

At the request of the City Commission, a proposed ordinance imposing a six month moratorium on the issuance of any permits for internet cafes is being presented for adoption. Language has been added since the first reading to further clarify the purpose of the ordinance relates to gambling type establishments, not children's' amusement establishments.

After discussion, the Commission voted 5 to 1 (Commissioner Deyette abstained from voting) to amend the motion to make the changes suggested by Mr. Cooney, to change the last paragraph, section 2, to read "during the time the temporary moratorium is in effect the City will accept no new

applications, but may act on any pending applications for permits or business tax receipts for such activities.”

After Discussion, the Commission voted 5 to 1 (Commissioner Deyette abstained from voting) to adopt Ordinance No. 09-2010 at second and final reading.

D. Public Hearing - Ordinance No. 10-2010, Providing for Revisions to Chapter 38 of the City's Code of Ordinances pertaining to municipal liens, at second and final reading.

Section 2-114, Section 2-153 and Sections 38-119 through 38-123 of the City Code of Ordinances authorize the City's Enforcement Services Director to impose municipal liens to recover City funds expended for the abatement of nuisance code violations and describes the procedures to be followed for the imposition of such liens. Municipal liens have recently been transferred to the City Attorney's Office. The changes to the Ordinance are to remove the references to particular staff positions being responsible for these procedures. In addition, while reviewing the ordinance, it was found that language was not originally included making the liens valid against other Volusia County properties owned by the same property owner, similar to the language addressing Code Enforcement Board fines. This is being rectified in the changes made to Section 2-153 and Section 38-119.

After Discussion, the Commission voted 4 to 2 (Commissioner Treusch and Commissioner Zischkau voted against the motion) to adopt Ordinance No. 10-2010 at second and final reading.

E. Public Hearing - Ordinance No. 11-2010, Pertaining to a Chapter 180 Service Area and Revising the City's Utility District Requirements, at second and final reading.

The City currently has a Chapter 180 utility service area. Under our current Code provisions, we are the sole source for water within the district. As such, we cannot require covenants to annex as a condition of receiving water service. The main focus of the revision is to eliminate the monopoly on water service within the district in order to allow for covenants to annex. The other purpose for the Ordinance is to bring the district regulations in compliance with State Statutes.

After Discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to adopt Ordinance No. 11-2010 at second and final reading.

F. Public Hearing - Ordinance No. 20-2010, Amending Chapter 46 of the City's Code of Ordinances, pertaining to the Firefighters' Pension Plan, at second and final reading.

The attorney for the pension board submitted a draft ordinance revising the firefighters' pension plan. Following review by the City pension counsel, the Commission agreed to accept certain revisions and reject others. The ordinance reflects the changes made by the Commission along with some housekeeping items to allow the ordinance to be Code consistent.

After Discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve Ordinance No. 20-2010 at second and final reading.

9. OLD BUSINESS:

A. Discussion and direction re: Dr. Martin Luther King, Jr. Blvd. naming celebration.

The City was asked by the Dr. Martin Luther King Celebration Committee to rename a City street in honor of Dr. King. On February 15, 2010, the Commission voted unanimously to rename Howland Crossings Blvd. to Dr. Martin Luther King, Jr. Blvd. On April 19, 2010, Michael Williams suggested having a ceremony for the installation of the MLK Blvd. sign but, because of the urgency to have the sign installed a ceremony did not take place. On May 3, 2010, Michael Williams stated he and other members of the community were still interested in having a commemorative celebration for Martin Luther King, Jr. even though the sign had already been installed.

Mike Williams on behalf of the Dr. Martin Luther King Celebration Committee has asked to have the celebration of naming the street for Dr. King take place on site following the breakfast on Saturday January 15, 2011. Details of the event will be worked out over the next few months.

Staff will work with the MLK Celebration Committee to coordinate plans for the celebration weekend.

10. NEW BUSINESS:

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.